

HOUSE BILL REPORT

ESHB 2540

As Passed House:

February 18, 2002

Title: An act relating to collective bargaining for University of Washington employees who are enrolled in academic programs.

Brief Description: Authorizing collective bargaining for University of Washington employees who are enrolled in academic programs.

Sponsors: By House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Kenney, Wood, Chase, Cooper, Fromhold, Lysen, Campbell, Hunt, Veloria, Cody, Simpson, Haigh, Dickerson, Miloscia, Ogden, Quall, McIntire, Schual-Berke, Santos, McDermott and Kirby).

Brief History:

Committee Activity:

Commerce & Labor: 1/30/02, 2/6/02 [DPS];

Appropriations: 2/7/02, 2/9/02 [DPS(CL)].

Floor Activity:

Passed House: 2/18/02, 53-44.

Brief Summary of Engrossed Substitute Bill

- Makes the public employees' collective bargaining law applicable to teaching assistants and research assistants at the University of Washington.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 4 members: Representatives Conway, Chair; Wood, Vice Chair; Kenney and Lysen.

Minority Report: Do not pass. Signed by 3 members: Representatives Clements, Ranking Minority Member; Chandler and McMorris.

Staff: Jill Reinhuth (786-7134); Chris Cordes (786-7103).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill by Committee on Commerce & Labor be substituted therefor and the substitute bill do pass. Signed by 14 members: Representatives Sommers, Chair; Doumit, 1st Vice Chair; Fromhold, 2nd Vice Chair; Cody, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, McIntire, Ruderman, Schual-Berke and Tokuda.

Minority Report: Do not pass. Signed by 11 members: Representatives Sehlin, Ranking Minority Member; Alexander, Boldt, Buck, Clements, Cox, Lisk, Mastin, Pearson, Pflug and Talcott.

Staff: Laurie Schaffler (786-7143).

Background:

Employees enrolled in academic programs at the University of Washington, like other students, are exempt from the state civil service law. As a result, they do not have a right to engage in collective bargaining under the state civil service collective bargaining law. They also are not granted a right to engage in collective bargaining under the public employees' collective bargaining law. Consequently, while the University of Washington may have an implied power, it likely does not have an obligation to negotiate with teaching assistants, research assistants, or their representatives over terms of employment.

Summary of Engrossed Substitute Bill:

The public employees' collective bargaining law applies to the University of Washington with respect to certain employees enrolled in academic programs.

Intent

The stated intent is to promote cooperative labor relations between the University and the employees who provide instructional, research, and related academic services while enrolled as students. The Legislature does not intend to restrict or prohibit, with respect to matters outside the scope of bargaining:

- the exercise of shared governance functions of the faculty; and
- the exercise of the functions of the graduate and professional student senate, the associated students organization, or other similar organizations in matters;

The University is not restricted from:

- considering the merits, necessity, or organization of any program or activity, including whether to establish, modify, or discontinue a program or activity; and
- the University from having sole discretion over student admission requirements, criteria for awarding degrees, academic requirements for selection of student employees, initial appointment, and the content and supervision of courses, curricula, grading requirements, and research programs.

Bargaining Unit

For covered student employees, the members of an appropriate bargaining unit are specified:

- predoctoral instructors, lecturers, teaching assistants, and teaching associates;
- predoctoral researchers, research assistants, and research associates;
- predoctoral staff assistants and staff associates;
- tutors, readers, and graders; and
- employees enrolled in an academic program with substantially equivalent duties.

Students who are predoctoral researchers or research assistants or associates are excluded if they are performing research primarily related to their dissertation and have incidental or no service expectations placed on them by the University.

Scope of Bargaining

The scope of bargaining excludes the following subjects:

- the ability to terminate an employee who is not meeting the University's academic requirements;
- the amount of tuition or fees, except that tuition/fee remission or waiver is within the scope of bargaining;
- the University's academic calendar;
- and the number of students to be admitted to a class or section.

Compensation

The compensation provisions in a collective bargaining agreement may not exceed the amount or percentage established by the Legislature. However, the employer may provide additional compensation that exceeds that provided by the Legislature. If a compensation provision is affected by subsequent modification of an appropriations act, the parties must bargain for a replacement provision.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: (Commerce & Labor) A large number of students support collective bargaining rights for the teaching and research assistants. These employees of the University are responsible for 50 percent of the instruction of undergraduate students. There are over 2,000 researchers. All of these employees should have the same rights as the classified employees at the University. The University has already verified that 75 percent of the teaching and research assistants have signed union cards. Collective bargaining rights are not new to research universities. Tuition rates are not directly correlated to collective bargaining rights and, in any case, these student employees pay tuition, too. The current situation is difficult for everyone and it needs to be resolved. The system in California works very well.

(Concerns) Enabling legislation will allow the University to participate in collective bargaining and give the students their right to choose. The parties are close to an agreement.

Testimony For: (Appropriations) This bill was deliberated and agreed to at the University of Washington. There are 30 other universities nation-wide that have collective bargaining.

Testimony Against: (Commerce & Labor) Teaching and research assistant positions are privileged positions and highly sought after, which is different than the usual employment relationship at work. The levels of compensation differ from department to department, depending on the difficulty of recruiting assistants. If the same compensation is required across the board under collective bargaining, this might hurt recruitment efforts and, therefore, the quality of education. Even though the bargaining unit can't be a closed shop, the union still speaks for all the employees in the bargaining unit, whether they want that or not, and the individual employee can't bargain directly. There are still students who do not have their grades from last year because of the strike. If grades are affected, this hurts the University's competitiveness nationally when their graduates apply to other schools. But the University is not quick to enforce a "no strike" policy. This results in the undergraduates being held hostage. Pressure on tuition is sure to result, along with pressure on the quality of education. There is a concern that financial aid for students will be eroded. Some departments can't rely on federal grants to improve their funding position. Teaching assistants have a different interest than the undergraduates, which places them in conflict with each other.

Testimony Against: (Appropriations) None.

Testified: (Commerce & Labor) (In support) Kristen Intemann, Graduate Student Employment Action Coalition; Alexandra Narvaez; Jasmin Weaver; David Nixon; H. Gorben Kuterdem; and Mary Ann Massenburg, United Auto Workers.

(Opposed) Chris Murray; Chris Ramsay-Cory; Debbie Pettitt; and Josh Kahn.

(With Concerns) Dick Thompson and Karen Kavanagh, University of Washington.

Testified: (Appropriations) Kristen Intemann, Graduate Student Employment Action Coalition; Mary Anne Massenburg, United Auto Workers; and Dick Thompson, University of Washington.